

**LAUDERDALE CITY COUNCIL MEETING AGENDA**  
**7:00 P.M. TUESDAY, MAY 23, 2023**  
**LAUDERDALE CITY HALL, 1891 WALNUT STREET**

The City Council is meeting as a legislative body to conduct the business of the City according to Robert's Rules of Order and the Standing Rules of Order and Business of the City Council. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. **CALL TO ORDER THE LAUDERDALE CITY COUNCIL MEETING**
2. **ROLL CALL**
3. **APPROVALS**
  - a. Agenda
  - b. Minutes of the May 9, 2023 City Council Meetings
  - c. Claims Totaling \$62,400.77
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
  - a. Building Safety Month Proclamation and Update by Andy Schreder, Building Official
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
  - a. Conversation with County Commission Mary Jo McGuire
  - b. City Council Updates
7. **PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings all affected residents will be given an opportunity to speak pursuant to the Robert's Rules of Order and the standing rules of order and business of the City Council.
8. **DISCUSSION / ACTION ITEM**
  - a. Resolution No. 052323A – A Resolution Providing Preliminary Approval to the Issuance of Revenue Obligations under Minnesota Statutes and Taking Other Actions in Connection therewith
  - b. Annual Liability Insurance Renewal and Tort Liability Waiver Questionnaire
  - c. Promotion of Gordy Beck to Public Works Coordinator
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
  - a. April Financial Report
  - b. Electronic Funds Transfer Policy
  - c. Restoration of City Owned Property around Walsh Lake
  - d. Adoption of County-Wide Comprehensive Emergency Operations Plan
  - e. Annual Storm Water Report (July 12)

- f. Long-Term Planning Session with Victoria Holthaus of AEM Financial Solutions (September 12)

## 12. WORK SESSION

- a. Community Development Update
- b. Opportunity for the Public to Address the City Council

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to three (3) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address, and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer.

Your participation, as prescribed by the Robert's Rules of Order and the standing rules of order and business of the City Council, is welcomed and your cooperation is greatly appreciated.

## 13. ADJOURNMENT

### **To provide public comments, join us via Zoom.**

You are invited to a Zoom webinar.

When: May 23, 2023 07:00 PM Central Time (US and Canada)

Topic: May 23, 2023 Lauderdale City Council Webinar

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87488911448?pwd=ajN0S2E4c1VRNWNtZFK4M0xyT2Y1UT09>

Passcode: 810335

Or One tap mobile :

+16469313860,,85832575513# US

+13017158592,,85832575513# US (Washington DC)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 301 715 8592 US (Washington DC), +1 305 224 1968 US

+1 309 205 3325 US, +1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York), +1 646 931 3860 US

+1 386 347 5053 US, +1 507 473 4847 US

+1 564 217 2000 US, +1 669 444 9171 US

+1 669 900 9128 US (San Jose), +1 689 278 1000 US

+1 719 359 4580 US, +1 253 205 0468 US

+1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston)

+1 360 209 5623 US, 877 853 5247 US Toll Free

888 788 0099 US Toll Free, 833 548 0276 US Toll Free

833 548 0282 US Toll Free, Webinar ID: 850 7411 6838

International numbers available: <https://us02web.zoom.us/j/kdxRmtyRnL>

LAUDERDALE CITY COUNCIL  
MEETING MINUTES  
Lauderdale City Hall  
1891 Walnut Street  
Lauderdale, MN 55113

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May 9, 2023

**Call to Order**

Mayor Gaasch called the Regular City Council meeting to order at 7:05 p.m.

**Roll Call**

Councilors present: Jeff Dains, Duane Pulford, Sharon Kelly, Evan Sayre, and Mayor Mary Gaasch. Councilors absent: None.

Staff present: Heather Butkowski, City Administrator; Jim Bownik, Assistant to the City Administrator; and Miles Cline, Deputy City Clerk.

**Approvals**

Mayor Gaasch asked if there were any additions to the meeting agenda. There being none, Councilor Dains moved and seconded by Councilor Kelly to approve the agenda. Motion carried unanimously.

Mayor Gaasch asked if there were corrections to the minutes of the April 25, 2023 city council meeting. There being none, Councilor Pulford moved and seconded by Councilor Kelly to approve the minutes of the April 25, 2023 city council meeting. Motion carried unanimously.

Mayor Gaasch asked if there were any questions on the claims. There being none, Councilor Kelly moved and seconded by Councilor Sayre to approve the claims totaling \$120,260.36. Motion carried unanimously.

**Informational Presentations/Reports**

A. Discussion of Enforcement of New Speed Limits with St. Anthony Police  
Jeremy Sroga of the St. Anthony Police Department (SAPD) was on a call and unable to join until later in the meeting.

B. City Council Updates

Councilor Dains said the Mississippi Watershed Management Organization (MWMO) is working on race and equity projects in regards to the environment, green storm water systems, and a number of other climate change initiatives.

Mayor Gaasch shared that the League of Minnesota Cities (LMC) will be doing a webinar on the newly instituted laws regarding cannabis legislation.

**Discussion/Action Item**

A. Zoning Ordinance Revisions Discussion

On January 30, 2023, the Council met with Jennifer Haskamp in a work session regarding the Zoning Code Update project. At the work session, Haskamp covered approximately half of the

LAUDERDALE CITY COUNCIL  
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Lauderdale City Hall  
1891 Walnut Street  
Lauderdale, MN 55113

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content included in the presentation. At this meeting, she completed the presentation, and provided some follow-up regarding the discussion held at the work session.

Her objective was to finalize which include development of an annotated outline, ordinance drafting, public engagement, and City Council work sessions and/or presentations. The timing of the deliverables, engagement events, and work sessions will be refined after further discussion.

The Council took a brief recess from 8:45 p.m. – 8:52 p.m.

**Informational Presentations/Reports Resumed**

**A. Discussion of Enforcement of New Speed Limits with St. Anthony Police**

Jeremy Sroga of the St. Anthony Police Department (SAPD) joined the meeting via Zoom to discuss the upcoming speed limit changes in Lauderdale. St. Anthony reduced their speeds to 25 MPH so the department has previous experience to draw from. Sroga shared information about how the transformation worked in St. Anthony, and answered questions from the Council.

**Discussion/Action Item Resumed**

**B. Resolution No. 050923A – Transferring a Portion of the Coronavirus Local Fiscal Recovery Funds Established Under the American Rescue Plan Act**

The Communications Fund 226 is funded by cable franchise fees paid by Comcast. The fund covers 5% of the assistant to the city administrator salary, 5% of the deputy city clerk salary, programming costs to NineNorth, and the City's annual contribution to the North Suburban Cable Commission. With cable subscriber numbers dwindling, increasing staff salaries, and increased programming costs since COVID, the fund is being depleted.

Butkowski explained the Council had two options. The first was to move staffing costs from the 226 Fund to the general fund. The costs are then covered by the levy. The second option was to transfer funds from the American Rescue Plan Act (ARPA) fund.

Much like recycling, the cable TV world is in flux and no one knows what the long-term outcome is for franchise fees and cable commissions. Staff recommends making a transfer from the ARPA fund. It is a opportunity to prop up the fund for the next 5-10 years and not shift costs to taxpayers. If the Council adopts this resolution, the transfer would be made in 2023.

Councilor Pulford made a motion to adopt Resolution 050923A—A Resolution Transferring a Portion of the Coronavirus Local Fiscal Recovery Funds Established under the American Rescue Plan Act. This was seconded by Councilor Kelly and carried unanimously.

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Lauderdale City Hall  
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**Set Agenda for Next Meeting**

Butkowski stated that the May 23 council meeting might include the April financial report, a building safety month proclamation and update by Building Official Andy Schreder, and a conversation with County Commissioner Mary Jo McGuire.

**Work Session**

A. Community Development Update

Butkowski shared that Day in the Park will be on July 20, we are making progress on fixing potholes in the streets, street sweeping will take place on Thursday and Friday this week, the retaining wall in Lauderdale Community Park is being rebuilt, and an arborist has been examining trees in the park that need to be removed.

B. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to those in attendance interested in addressing the Council. There being nobody interested in speaking, Mayor Gaasch closed the floor.

**Adjournment**

Councilor Dains moved and seconded by Councilor Sayre to adjourn the meeting at 9:34 p.m. Motion carried unanimously.

Respectfully submitted,



Heather Butkowski  
City Administrator



CITY OF LAUDERDALE  
LAUDERDALE CITY HALL  
1891 WALNUT STREET  
LAUDERDALE, MN 55113  
651-792-7650  
651-631-2066 FAX

### **Request for Council Action**

**To:** Mayor and City Council  
**From:** City Administrator  
**Meeting Date:** May 23, 2023  
**Subject:** List of Claims

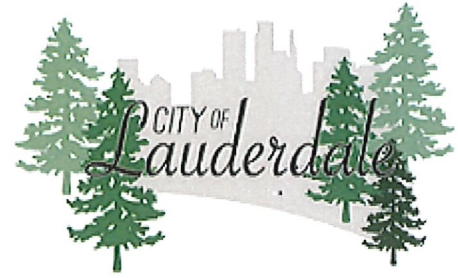
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The claims totaling \$60,400.77 are provided for City Council review and approval that includes check numbers 28430 to 28456.

# Accounts Payable

## Checks by Date - Detail by Check Date

User: miles.cline  
 Printed: 5/23/2023 4:08 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	43	Public Employees Retirement Association	05/12/2023	
		PR Batch 51000.05.2023 PERA Coordinated	PR Batch 51000.05.2023 PER	1,081.50
		PR Batch 51000.05.2023 PERA Coordinated	PR Batch 51000.05.2023 PER	1,247.89
Total for this ACH Check for Vendor 43:				2,329.39
ACH	44	Minnesota Department of Revenue	05/12/2023	
		PR Batch 51000.05.2023 State Income Tax	PR Batch 51000.05.2023 Stat	704.78
Total for this ACH Check for Vendor 44:				704.78
ACH	45	ICMA Retirement Corporation	05/12/2023	
		PR Batch 51000.05.2023 Deferred Comp	PR Batch 51000.05.2023 Defi	1,340.19
		PR Batch 51000.05.2023 Deferred Comp	PR Batch 51000.05.2023 Defi	1,655.77
Total for this ACH Check for Vendor 45:				2,995.96
ACH	46	Internal Revenue Service	05/12/2023	
		PR Batch 51000.05.2023 Federal Income Tax	PR Batch 51000.05.2023 Fed	1,754.04
		PR Batch 51000.05.2023 Medicare Employer Po	PR Batch 51000.05.2023 Mec	262.88
		PR Batch 51000.05.2023 FICA Employer Portio	PR Batch 51000.05.2023 FIC	1,124.07
		PR Batch 51000.05.2023 Medicare Employee Pc	PR Batch 51000.05.2023 Mec	262.88
		PR Batch 51000.05.2023 FICA Employee Portio	PR Batch 51000.05.2023 FIC	1,124.07
Total for this ACH Check for Vendor 46:				4,527.94
ACH	47	Public Employees Insurance Program	05/12/2023	
		PR Batch 51000.05.2023 Dental	PR Batch 51000.05.2023 Den	85.20
		PR Batch 51000.05.2023 Health Insurance	PR Batch 51000.05.2023 Hea	2,788.45
Total for this ACH Check for Vendor 47:				2,873.65
Total for 5/12/2023:				13,431.72
28430	13 10372	8th Day Landscaping LLC April 2023 Snow Removal	05/23/2023	680.00
Total for Check Number 28430:				680.00
28431	20 471857 471857 471857	Abdo LLP 2022 Audit 2022 Audit 2022 Audit	05/23/2023	3,325.00 712.50 712.50
Total for Check Number 28431:				4,750.00
28432	65 19507408	Allstream Inc. Fax Line	05/23/2023	69.58



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 28432:	69.58
28433	373	ARAMARK Uniform & Career Apparel Gr	05/23/2023	
	6290099349	February Uniforms		10.79
	6290099349	February Uniforms		10.78
	6290101854	February Uniforms		10.78
	6290101854	February Uniforms		10.79
	6290104256	March Uniforms		10.79
	6290104256	March Uniforms		10.78
	6290106679	March Uniforms		10.79
	6290106679	March Uniforms		10.78
	6290109292	March Uniforms		10.79
	6290109292	March Uniforms		10.78
	6290111445	March Uniforms		10.79
	6290111445	March Uniforms		10.78
	6290113892	March Uniforms		10.78
	6290113892	March Uniforms		10.79
	6290116263	April Uniforms		10.78
	6290116263	April Uniforms		10.79
	6290118634	April Uniforms		10.78
	6290118634	April Uniforms		10.79
	6290121171	April Uniforms		10.78
	6290121171	April Uniforms		10.79
	6290123705	April Uniforms		10.79
	6290123705	April Uniforms		10.78
	6290125985	May Uniforms		10.79
	6290125985	May Uniforms		10.78
	6290128278	May Uniforms		10.91
	6290128278	May Uniforms		10.89
			Total for Check Number 28433:	280.64
28434	15	Be There Pest Control LLC	05/23/2023	
	76191	2Q23 Pest Control		108.00
			Total for Check Number 28434:	108.00
28435	2	City of St Paul	05/23/2023	
	IN53731	Labor to Replace LA Light Pole		1,340.00
	IN53732	Material to Replace LA Light Pole		1,126.06
			Total for Check Number 28435:	2,466.06
28436	192	Comcast Holdings Corporation	05/23/2023	
	172466032	May Internet		413.00
			Total for Check Number 28436:	413.00
28437	25	County of Ramsey	05/23/2023	
	EMCOM-010819	April Fleet Support		6.24
	EMCOM-010834	April CAD Services		75.17
	EMCOM-010850	April 911 Dispatch Services		462.60
			Total for Check Number 28437:	544.01
28438	362	ESRI	05/23/2023	
	94482030	GIS Software Licenses		1,320.00
			Total for Check Number 28438:	1,320.00
28439	294	Goodmanson Construction Inc	05/23/2023	



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	23-139*03	Street Repairs		21,665.60
			Total for Check Number 28439:	21,665.60
28440	397 052023	IPMA-HR MN PSHRA Membership - H Butkowski	05/23/2023	50.00
			Total for Check Number 28440:	50.00
28441	134 00131	Katrina Joseph April Legal Services	05/23/2023	925.00
			Total for Check Number 28441:	925.00
28442	185 052023 052023 052023	Lauderdale Certified Auto Repair Inc April Fuel April Fuel April Fuel	05/23/2023	12.47 12.47 58.20
			Total for Check Number 28442:	83.14
28443	95 052023 052023	Minnesota County/City Managers Associati 2023-2024 MCMA Dues - HB 2023-2024 APMP Dues - JB/MC	05/23/2023	145.89 150.00
			Total for Check Number 28443:	295.89
28444	398 3243377896	O'Reilly Automotive Inc Tractor Repairs	05/23/2023	135.46
			Total for Check Number 28444:	135.46
28445	5 619861-04-23	Premium Waters Inc April Water Bottles	05/23/2023	8.04
			Total for Check Number 28445:	8.04
28446	380 670	Select Concrete Services CP Retaining Wall Demo & New Construction	05/23/2023	4,800.00
			Total for Check Number 28446:	4,800.00
28447	135 0423572525	St Paul Pioneer Press Publish Finance Notices	05/23/2023	617.40
			Total for Check Number 28447:	617.40
28448	90 9933804296 9933804296 9933804296	Verizon Wireless April Cell Phone April Cell Phone April Cell Phone	05/23/2023	90.03 45.02 45.01
			Total for Check Number 28448:	180.06
28449	74 826743859 826778900 826790863 827103793 827103793 827103793 827103793	Xcel Energy April Street Lighting 2430 Larpenteur Avenue W Larpenteur Bridge Lights 1917 Walnut Street 1885 Fulham Street 1885 Fulham Street 1917 Walnut Street	05/23/2023	504.94 16.30 35.65 26.57 42.27 38.41 61.13

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	827110019	1891 Walnut Street		141.64
	827110019	1891 Walnut Street		180.14
	827145973	Larpenteur Avenue		53.85
Total for Check Number 28449:				1,100.90
28450	373 6290130682 6290130682	ARAMARK Uniform & Career Apparel Gr May Uniforms May Uniforms	05/23/2023	17.13 17.13
Total for Check Number 28450:				34.26
28451	19 94165 94165	Ehlers and Associates Inc 2021A Continuing Disclosure Report 2019A Continuing Disclosure Report	05/23/2023	425.00 425.00
Total for Check Number 28451:				850.00
28452	28 55109	Mike McPhillips Inc Sping Street Sweeping	05/23/2023	5,350.00
Total for Check Number 28452:				5,350.00
28453	18 P94586 P95918	Minnesota Equipment Inc Tractor Repairs Tractor Repairs	05/23/2023	174.38 224.88
Total for Check Number 28453:				399.26
28454	10 0001530248	On Site Sanitation Inc 05/13/2023 - 06/09/2023 Park Portable Restroom	05/23/2023	75.00
Total for Check Number 28454:				75.00
28455	388 0042971	PeopleService Inc June Wastewater	05/23/2023	600.00
Total for Check Number 28455:				600.00
28456	26 2083768 2083768 2083768	Stantec Consulting Services Inc Pothole and Speed Limit Project GIS Updates Blockage Issues	05/23/2023	700.25 280.50 187.00
Total for Check Number 28456:				1,167.75
Total for 5/23/2023:				48,969.05
Report Total (32 checks):				62,400.77

**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_ X  
Action \_\_\_\_\_ X  
Resolution \_\_\_\_\_  
Work Session \_\_\_\_\_

Meeting Date May 23, 2023

ITEM NUMBER Rum River Update

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

Rum River Consultants owner Andy Schreder will be attending our meeting to provide an update on their work. They also are asking the city council to adopt the following proclamation as they want to highlight the importance of building safety. Education is a key component of their mission that they want to continue to promote in all the communities they work in.

**OPTIONS:**

**STAFF RECOMMENDATION:**

Motion to adopt the Proclamation recognizing May as Building Safety Month.



## *Proclamation*

### **Building Safety Month — May 2023**

Whereas our City is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

Whereas our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

Whereas these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas “It Starts with You,” The theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

Whereas each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

Now, Therefore Be It Resolved, the Lauderdale City Council does hereby proclaim the month of May 2023 as Building Safety Month. Accordingly, we encourage our citizens to join us as we participate in Building Safety Month activities.

Adopted this 23rd day of May, 2023 by the Lauderdale City Council.

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Mary Gaasch, Mayor

ATTEST:

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Heather Butkowski, City Administrator

## LAUDERDALE COUNCIL ACTION FORM

### Action Requested

Consent	_____
Public Hearing	_____
Discussion	_____ X _____
Action	_____ X _____
Resolution	_____ X _____
Work Session	_____

Meeting Date May 23, 2023

ITEM NUMBER Conduit Bonds

STAFF INITIAL *AS*

APPROVED BY ADMINISTRATOR \_\_\_\_\_

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

An attorney from Kennedy and Graven will be at the meeting in person or virtually to provide information and answer any questions of the Council regarding the City's participation in securing bank qualified (BQ) debt or conduit debt for Franklin Riverside LLC. Franklin Riverside LLC plans to use the funding to construct a 155-unit affordable multi-family apartment building in Minneapolis.

The City has participated in a number of conduit debt projects outside of the city limits. The City partners with the organization that wants to use the City's tax-exempt bonding authority. Each city is given \$10,000,000 per year. Obviously, we do not use that authority so we can offer it to other worthwhile organizations. This is done in exchange for a fee. Our curate is 90 basis points of the project amount (0.90%). In this case, they are asking for a flat fee of \$75,000. Staff recommends participating at the reduced rate because these opportunities don't come around each year but the funds are vital. The funds are deposited in the 414 Development Fund which is currently paying the debt levy from the 2019 Eustis Street / Roselawn Avenue reconstruction project. The fund doesn't have enough money to fund the debt levy through the last payment in 2029.

Participating in conduit debt project does not create a financial obligation for the City. The attorney will explain this during the meeting. The following resolution allows for the call of a public hearing on the matter at a future meeting.

### STAFF RECOMMENDATION:

Motion to adopt Resolution No. 052323A — A Resolution Providing Preliminary Approval to the Issuance of Revenue Obligations under Minnesota Statutes, Chapters 462C and 474A, as Amended, and Taking Other Actions in Connection therewith.





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**JULIE A. EDDINGTON**  
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Email: jeddington@kennedy-graven.com

May 18, 2023

Heather Butkowski, City Administrator  
City of Lauderdale  
1891 Walnut Street  
Lauderdale, MN 55113

Re: Resolution providing preliminary approval to the issuance of conduit revenue bonds by the City of Lauderdale for the benefit of Franklin Riverside LLC

Dear Heather,

Franklin Riverside LLC, a Minnesota limited liability company, or an affiliate, successor, or assign pf Wellington, Inc. (collectively, the "Borrower"), has proposed to acquire, construction, and equip an approximately 155-unit multifamily housing development and facilities functionally related and subordinate thereto located at 901 27<sup>th</sup> Avenue South, Minneapolis, Minnesota, for occupancy by individuals and families of low and moderate income (the "Project"). Although the Project is located in the City of Minneapolis, the City of Minneapolis is unable to issue bonds to provide financing for the Project: the City of Minneapolis is an "entitlement issuer" and has already committed to issuing bonds for other housing projects, which has exhausted the amount of funds that it has received through the State of Minnesota (the "State"). As a result, the Borrower is requesting that the City of Lauderdale (the "City") issue one or more series of tax-exempt revenue bonds in the approximate maximum principal amount of \$28,750,000 and, if necessary, one or more series of taxable revenue bonds in an amount to be determined (collectively, the "Obligations"). Enclosed is a resolution to be considered by the City Council on Tuesday, May 23, 2023, providing preliminary approval to the issuance of the Obligations and calling a public hearing on the Project and the issuance of the Obligations.

The Obligations will be issued in calendar year 2023 as housing revenue bonds under Minnesota Statutes, Chapter 462C, as amended (the "Act"), and Minnesota Statutes, Sections 471.59 and 471.656, as amended (the "Joint Powers Act"). In accordance with the Act, the City will be required to conduct a public hearing on the issuance of the Obligations and the approval of a housing program. Additionally, Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any Obligations issued on a tax-exempt basis receive an allocation of bonding authority of the State. An application for this allocation must be made pursuant to Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"). The enclosed resolution authorizes the City to take actions to prepare the housing program and an application for allocation in accordance with Section 146 of the Code and the Allocation Act. My office will coordinate the process for application for allocation from the State's unified pool in June.

The City is authorized to issue the Obligations to finance the Project in accordance with the Joint Powers Act so long as the City and the City of Minneapolis enter into a joint powers agreement. Prior to the issuance of the Obligations, the City Council of the City of Minneapolis will be required to conduct a public hearing and adopt a resolution providing “host approval” for the City to issue the Obligations to provide financing for the Project.

If the City Council adopts the enclosed resolution, the City Council will be asked to conduct the public hearing required under the Act and the Code at a future City Council meeting. Following the public hearing, the City Council will be asked to consider a resolution approving the housing program, providing final approval to the issuance of the Obligations, and authorizing the execution of documents in connection with the Obligations, including but not limited to a joint powers agreement with the City of Minneapolis.

If issued, the Obligations will be secured solely by the revenues derived from the loan agreement to be executed by the City and the Borrower and from other security provided by the Borrower. The Obligations will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the loan agreements) and will not be secured by any taxing power of the City. In addition, the City will have no responsibility or liability for the Project. The Obligations will not be subject to any debt limitation imposed on the City, and the issuance of the Obligations will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project to be financed with the proceeds of the Obligations. In addition, the issuance of the Obligations will not affect the ability of the City to issue and designate any general obligation bonds as “qualified tax-exempt obligations” (or “bank-qualified bonds”) in calendar year 2023.

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City’s administrative fee.

An attorney from our office will attend the City Council meeting on May 23, 2023 and can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Sincerely,

Julie A. Eddington

LA135-3 (JAE)  
876826v1



**RESOLUTION NO. 052323A**

**CITY OF LAUDERDALE  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**RESOLUTION PROVIDING PRELIMINARY APPROVAL TO THE ISSUANCE  
OF REVENUE OBLIGATIONS UNDER MINNESOTA STATUTES,  
CHAPTERS 462C AND 474A, AS AMENDED, AND TAKING OTHER ACTIONS  
IN CONNECTION THEREWITH**

BE IT RESOLVED by the City Council (the “City Council”) of the City of Lauderdale, Minnesota (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Housing Act”), the City is authorized to carry out the public purposes described in the Housing Act by providing for the issuance of revenue bonds or obligations to provide funds to finance multifamily housing developments.

1.02. Minnesota Statutes, Section 471.656, as amended, authorizes a municipality to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the obligations are issued under a joint powers agreement between the municipality issuing the obligations and the municipality in which the property to be acquired or improved is located.

1.03. Pursuant to Minnesota Statutes, Section 471.59, as amended, by the terms of a joint powers agreement entered into through action of their governing bodies, two or more municipalities may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised and the joint powers agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units.

1.04. Franklin Riverside LLC, a Minnesota limited liability company, or an affiliate, successor, or assign of Wellington Management, Inc. (collectively, the “Borrower”), has proposed that the City issue one or more series of tax-exempt revenue obligations in the approximate maximum principal amount of \$28,750,000 and, if necessary, one or more series of taxable revenue obligations in the approximate maximum principal amount to be determined (collectively, the “Obligations”), for the benefit of the Borrower for the purposes of financing all or a portion of (a) the costs of the acquisition, construction, and equipping of an approximately 155-unit multifamily housing development and facilities functionally related and subordinate thereto located at 901 27<sup>th</sup> Avenue South, Minneapolis, Minnesota, for occupancy by individuals and families of low and moderate income (the “Project”); (b) any required reserves; (c) capitalized interest during the construction of the Project, if necessary; and (d) the costs of issuing the Obligations.

1.05. Pursuant to Section 146 of the Code, any Obligations issued on a tax-exempt basis (the “Tax-Exempt Obligations”) must receive an allocation of bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the “Allocation Act”). The City Council must grant preliminary approval to the issuance of the Obligations to finance the Project and authorize the submission of an application to the

office of Minnesota Management and Budget for an allocation of bonding authority with respect to the Tax-Exempt Obligations to finance the Project.

1.06. As a condition to the issuance of such revenue bonds, the City must prepare and adopt a housing program providing the information required by Section 462C.03, subdivision 1a of the Housing Act (the "Housing Program").

1.07. Under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), prior to the issuance of the Obligations, the City Council must conduct a public hearing after providing notice in a newspaper of general circulation in the City or on the City's website at least seven (7) days before the hearing. Under Section 462C.04, subdivision 2 of the Housing Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City at least fifteen (15) days before the hearing.

Section 2. Preliminary Findings. Based on representations made by the Borrower to the City to date, the City Council hereby makes the following preliminary findings, determinations, and declarations:

(a) The Obligations will finance a multifamily housing development designed and intended to be used for rental occupancy.

(b) The proceeds of the Obligations will be loaned to the Borrower and the proceeds thereof, along with other available funds, will be used to finance all or a portion of the costs of the acquisition, construction, and equipping of the Project, capitalized interest during the construction of the Project, required reserve funds (if any), and costs of issuance of the Obligations. The City will enter into a loan agreement (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan of the proceeds of the Obligations when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.

(c) In preliminarily authorizing the issuance of the Obligations and the financing of the costs of the Project and related costs, the City's purpose is to further the policies of the Housing Act.

(d) The Obligations will be special, limited obligations of the City payable solely from the revenues pledged to the payment thereof, will not be a general or moral obligation of the City, and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 3. Submission of an Application for an Allocation of Bonding Authority. The City Council hereby authorizes the submission of an application for allocation of bonding authority for the Tax-Exempt Obligations pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. City staff and Kennedy & Graven, Chartered, acting as bond counsel to the City ("Bond Counsel"), shall take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to the office of Minnesota Management and Budget.

Section 4. Housing Program. Bond Counsel shall prepare and submit to the City a draft Housing Program to authorize the issuance by the City of the Obligations to finance the acquisition, construction, and equipping of the Project by the Borrower. Bond Counsel is authorized and directed to

submit the Housing Program, on behalf of the City, to Metropolitan Council for review and comment pursuant to Section 462C.04, subdivision 2 of the Housing Act.

Section 5. Public Hearing. The City Council shall meet at a date to be determined by the City Administrator to conduct a public hearing on the Housing Program, the Project, and the issuance of the Obligations by the City. Notice of such hearing (the “Public Notice”) will be published and/or posted as required by Section 462C.04, subdivision 2 of the Housing Act and Section 147(f) of the Code. Bond Counsel is hereby authorized and directed to publish the Public Notice, in substantially the form attached hereto as EXHIBIT A, in the *Pioneer Press*, a newspaper of general circulation in the City. At the public hearing reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project, the Housing Program, and the proposed issuance of the Obligations.

Section 6. Preliminary Approval. The City Council hereby provides preliminary approval to the issuance of the Obligations, subject to (a) a public hearing as required by the Housing Act and Section 147(f) of the Code; (b) final approval of the issuance of the Obligations in the total principal amount to be determined following the preparation of bond documents, provided, however, that the approximate principal amount of the Tax-Exempt Obligations may not exceed \$28,750,000; (c) receipt of an allocation of bonding authority for the Tax-Exempt Obligations from the office of Minnesota Management and Budget; (d) host approval by the City of Minneapolis in accordance with Minnesota Statutes, Sections 471.59 and 471.656, as amended; and (e) final determination by the City Council that the financing of the costs of the Project and the issuance of the Obligations are in the best interests of the City.

Section 7. Reimbursement of Costs under the Code.

7.01. The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of (a) the date the expenditure is paid; or (b) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Obligations.

7.02. To the extent any portion of the proceeds of the Obligations will be applied to expenditures with respect to the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Obligations after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Housing Act.

Based on representations by the Borrower, other than (a) expenditures to be paid or reimbursed from sources other than the Obligations, (b) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (c) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (d) expenditures in a “de minimis” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed

with the proceeds of the Obligations have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution of the City.

7.03. Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Obligations, other than pursuant to the issuance of the Obligations. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Section 8. Costs. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Obligations, whether or not the Obligations are issued.

Section 9. Commitment Conditional. The adoption of this resolution does not constitute a guaranty or firm commitment that the City will issue the Obligations as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Obligations to finance the remaining costs thereof is not in the public interest or is inconsistent with the purposes of the Housing Act, the City reserves the right to decline to give final approval to the issuance of the Obligations. The City retains the right in its sole discretion to withdraw from participation and accordingly not to issue the Obligations should the City Council at any time prior to issuance thereof determine that it is in the best interest of the City not to issue the Obligations or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents required for the transaction.

Section 10. Effective Date. This resolution shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Lauderdale, Minnesota this 23<sup>rd</sup> day of May, 2023.

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Mayor

ATTEST:

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City Administrator

**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

**CITY OF LAUDERDALE, MINNESOTA**

**NOTICE OF PUBLIC HEARING ON THE APPROVAL OF A HOUSING PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT AND THE ISSUANCE OF REVENUE OBLIGATIONS UNDER MINNESOTA STATUTES, CHAPTERS 462C AND 474A, AS AMENDED**

NOTICE IS HEREBY GIVEN that the City Council of the City of Lauderdale, Minnesota (the “City”) will hold a public hearing on Tuesday, \_\_\_\_\_, 2023, at or after 7:00 p.m. at City Hall, located at 1891 Walnut Street in the City, to consider a proposal that the City approve and authorize the issuance of one or more series of tax-exempt or taxable revenue obligations (the “Obligations”) pursuant to Minnesota Statutes, Chapters 462C and 474A, as amended (the “Act”), and Minnesota Statutes, Sections 471.59 and 471.656, as amended, for the purposes of financing all or a portion of the costs of (a) the acquisition, construction, and equipping of an approximately 155-unit multifamily housing development and facilities functionally related and subordinate thereto located at 901 27<sup>th</sup> Avenue South, Minneapolis, Minnesota, for occupancy by individuals and families of low and moderate income (the “Project”); (b) any required reserve funds; (c) capitalized interest during the construction of the Project; and (d) the costs of issuing the Obligations. Franklin Riverside LLC, a Minnesota limited liability company, or an affiliate, successor, or assign of Wellington Management, Inc. (collectively, the “Borrower”), will own and operate the Project. The aggregate principal amount of the proposed Obligations is estimated not to exceed \$ \_\_\_\_\_, which includes Obligations to be issued on a tax-exempt basis in the estimated amount of \$28,750,000.

Following the public hearing, the City Council will consider a resolution approving a housing program prepared in accordance with the requirements of the Act and granting approval to the issuance of the Obligations.

The Obligations if and when issued will be special, limited obligations of the City, and the Obligations and interest thereon will be payable solely from the revenues and assets pledged to the payment thereof. No holder of any Obligation will have the right to compel any exercise of the taxing power of the City to pay the Obligations or the interest thereon, nor to enforce payment against any property of the City except money payable by the Borrower to the City and pledged to the payment of the Obligations. Before issuing the Obligations, the City will enter into an agreement with the Borrower, whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on the Obligations when due.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. In addition, interested persons may direct any questions or file written comments respecting the proposal with the City Administrator, at or prior to said public hearing.

PLEASE NOTE, due to COVID-19, the public hearing may be conducted via telephone or other electronic means as allowed under Minnesota Statutes, Section 13D.021. Please refer to the City’s website at <https://www.lauderdalemn.org/> or call City Hall at 651-792-7650 to learn how to attend the public hearing via telephone or electronically.

Dated: [Date of Publication]

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF LAUDERDALE, MINNESOTA

/s/ Heather Butkowski  
City Administrator  
City of Lauderdale, Minnesota

LA135-44 (JAE)  
876780v1

## LAUDERDALE COUNCIL ACTION FORM

### Action Requested

Consent	_____
Public Hearing	_____
Discussion	_____X_____
Action	_____X_____
Resolution	_____
Work Session	_____

Meeting Date May 23, 2023

ITEM NUMBER Insurance Renewal Info

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR \_\_\_\_\_

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City's workers compensation, property, liability, sewer backup, and auto insurance policies run from August to August. Staff work with our insurance agent annually to prepare the materials for the renewal. This generally includes updating data on improvements and staffing costs. LMCIT hires appraisers to give values for the more expensive structures like city halls.

Annually, the City Council must determine whether or not to waive the municipal tort liability limits established by state statute. Included in the packet are the relevant pages on the topic taken from a larger document on municipal liability coverage. The City has not waived them in the past as it opens the City to greater financial liability. Staff recommends maintaining that practice via the following motion.

### OPTIONS:

### STAFF RECOMMENDATION:

The Council authorizes staff to remit the Liability Coverage—Waiver From to LMCIT as presented indicating the City does not waive the monetary limits on municipal tort liability established by MS 466.04.



## LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage. Email completed form to your city's underwriter, to [pstech@lmc.org](mailto:pstech@lmc.org), or fax to 651.281.1298.

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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LMCIT Member Name:

*Check one:*

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: 5/12/23

Signature: \_\_\_\_\_

Position: City Administrator

**RELEVANT LINKS:**

See Section II.K, *Liquor liability*.  
See Section II.T, *Special events*.

See Section II.T, *Special events*.

See Section III.T, *Special events*.

Minn. Stat. § 466.04.

See Section I.D.3.a, *Statutory limits may not apply*.

See Section I.D.3, *Purchasing higher liability limits*.

### 3. Risks for which specialty coverage is needed

- Aircrafts (a drone is not considered an “aircraft” if it’s not designed for the transport of persons or property).
- Architects.
- Big boats.
- Doctors, most nurses, dentists, pharmacists, and psychologists.
- Liquor sales.
- Motorized amusement rides, such as carnival rides.
- Motor vehicle demolition derbies, racing, pulling contests, or stunt driving.
- Prisons.
- Railroads.
- Rodeos.
- Specialty type operations such as hospitals, clinics, nursing homes and licensed childcare programs.
- Stunting activities or events that involve a significant risk of serious injury to the participant, performer, or others, such as high-wire acts, base or bungee jumping, skydiving, circus type acts, and acts involving dangerous animals.

## D. Coverage limits

LMCIT gives members options for structuring their liability coverage. Members can also choose either to waive or not to waive the monetary tort caps the statutes provide. It can also select from among several liability coverage limits.

### 1. LMCIT primary liability limits

The statutory municipal tort liability is limited to a maximum of \$500,000 per claimant and \$1.5 million per occurrence. These limits apply whether the claim is against the member, against an individual officer or employee, or against both. LMCIT’s liability coverage provides a standard limit of \$2 million per occurrence because there are some types of liability claims that aren’t subject to the statutory tort caps and it’s common to see contracts require more than the statutory limit. A more common figure is \$2 million. LMCIT’s higher limit meets this requirement, but if even higher limits are required, there is the option to carry LMCIT’s excess liability coverage or in some cases LMCIT can issue an endorsement to increase the member’s coverage limit only for claims relating to a particular contract.

In addition to the coverage limit of \$2 million per occurrence, there are annual aggregate limits, or limits on the total amount of coverage for the year regardless of the number of claims.

RELEVANT LINKS:

See Section II.B, *Data security breach and computer-related risks.*

See Section II.J, *Land use and special risk litigation.*

See Section II.D, *Employees' activities in outside organizations.*

Minn. Stat. § 466.04.

See *Summary of LMCIT Liability Coverage Options* and the effects of choosing the various coverage structure options.

A \$3 million annual aggregate applies for the following:

- Products.
- Failure to supply utilities (water, electricity, gas, steam service, and phone and internet or other electronic data transmission services).
- Data security breaches (a \$250,000 sublimit, which is part of and not in addition to the \$3 million aggregate, applies for Payment Card Industry fines, penalties, and assessments; and data security breach regulatory fines and penalties resulting from a data security breach claim).
- Electromagnetic fields.
- Limited contamination (sudden and accidental release of pollutants; herbicide and pesticide applications; sewer ruptures, overflows, and backups; lead and asbestos claims; mold claims; hostile fire claims; and excavation and dredging claims, which are also subject to an annual \$250,000 sublimit).
- Sexual abuse and molestation claims.

Other annual aggregate limits apply for the following:

- \$1 million annual aggregate for land use and special risk litigation. This coverage is provided on a sliding scale percentage basis.
- \$100,000 annual aggregate for employees' activities in outside organizations.
- \$250,000 annual aggregate for organic pathogen claims (this limit applies whether claims are made under municipal liability, auto liability, or both).

**2. Statutory liability limits**

The statutory municipal tort cap is limited to a maximum of \$500,000 per claimant and \$1.5 million per occurrence. These limits apply whether the claim is against the member, against the individual officer or employee, or against both. LMCIT's liability coverage provides a standard limit of \$2 million per occurrence.

At the member's coverage renewal each year, it must decide whether to waive or not waive the statutory limits. There is no right or wrong answer, and it's a discretionary decision each governing body must make.

**a. Waiving the statutory limit**

Members who waive the statutory limits are waiving the protection of the statutory limits, up to the amount of coverage the member has. A claimant could recover up to LMCIT's standard limit of \$2 million, rather than the statutory limit of \$500,000 per claimant. Because the waiver increases the exposure, the premium is higher for coverage under the waiver option.

RELEVANT LINKS:

See Section I.D.3,  
*Purchasing higher liability  
limits.*

See Section I.D.3.a,  
*Statutory limits may not  
apply.*

Minn. Stat. § 3.736.

42 U.S. Code § 1983.

A member may choose to pay more in premium for the waiver option because the statutory liability limit only applies in cases where the member is in fact liable and the injured party's actual proven damages are greater than the statutory limit. Some cities may want more assets available to compensate their citizens for injuries caused by the member's negligence.

In those cases where the member waives the statutory limit, but also purchases LMCIT's excess liability coverage, a claimant could potentially recover more. If, for example, the member has \$1 million of excess coverage and chooses to waive the statutory tort caps, the claimant or claimants could recover up to \$3 million in damages in a single occurrence.

The cost of the excess liability coverage is higher if the member waives the statutory tort caps. The cost difference is proportionally greater than the cost difference at the primary level because for a member that carries excess coverage, waiving the statutory tort caps increases both the per claimant exposure and the per occurrence exposure.

#### **b. Not waiving the statutory limit**

For members who choose not to waive the statutory limits, the member's liability is limited by the statute to no more than \$500,000 per claimant and \$1.5 million per occurrence. LMCIT's higher coverage limits would only apply to those types of claims that aren't covered by the statutory limit.

### **3. Purchasing higher liability limits**

LMCIT makes available the option of carrying higher coverage limits than the basic limit of \$2 million per occurrence. LMCIT's excess liability coverage is available in \$1 million increments up to a maximum of \$5 million. There are several reasons why cities may consider carrying the excess liability coverage.

#### **a. Statutory limits may not apply**

The statutory tort caps do not or may not apply for the following types of claims:

- Claims under federal civil rights laws, including Section 1983, the Americans with Disabilities Act.
- Claims for tort liability the member has assumed by contract, which occurs when a member agrees in contract to defend and indemnify a private party.
- Claims for actions in another state, which may occur in border cities that have mutual aid agreements with adjoining states or when a member official attends a national conference.

**RELEVANT LINKS:**

42 U.S. Code § 1983.

See Section I.D, *Coverage limits*.

- Claims based on liquor sales, which mostly affects cities with municipal liquor stores, but it could also relate to beer sales at a fire relief association fundraiser, for example.
- Claims based on a “taking” theory, which are suits challenging land use regulations frequently include an “inverse condemnation” claim, alleging the regulation amounts to a “taking” of the property.

**b. Annual limits apply for specific risks**

Besides LMCIT’s overall coverage limit of \$2 million per occurrence, there are annual aggregate limits for certain risks. If the member has a loss or claim in one of these areas, there might not be enough limits remaining to cover the member’s full exposure if there is another similar loss during the year.

There are, however, a couple important restrictions on how the excess coverage applies to risks that are subject to aggregate limits. The excess coverage does not apply to the following:

- Failure to supply utilities.
- Mold.
- Lead and asbestos.
- Excavation and dredging.
- Sudden and accidental release of pollutants below ground or within or on the surface of any body of water.
- Auto no-fault claims.
- Uninsured/underinsured motorist claims.
- Workers’ compensation, disability, or unemployment claims.
- Claims under medical payments coverage.
- Claims arising from the activities of outside organizations.
- No-fault sewer backup.
- Liquor liability, unless the member has specifically requested it.

**c. Contracts may require higher coverage limits**

A contract might include a requirement the member carry more than \$2 million per occurrence in coverage limits. Carrying excess coverage is a way to meet these requirements. Members can also request an endorsement to increase the member’s coverage limit only for claims relating to that contract.

**d. Multiple political subdivisions**

There may be more than one political subdivision covered under the member’s coverage, like an HRA, EDA, or port authority; or the member has agreed by contract to defend and indemnify or name another entity as a covered party.

## RELEVANT LINKS:

See Section II.1, *Joint powers entities* and Section II.Q, *Separate city boards and commissions*.

See Section I.D.3, *Purchasing higher liability limits*.

In this case, a claimant may be able to recover amounts from both the member and the other entity. Excess coverage is one way to provide enough coverage limits. Another solution is for the HRA, EDA, or port authority to carry separate liability coverage in its own name.

## II. Coverage details on specific liability exposures

LMCIT's liability coverage is broad, but there are some situations where the member needs to take additional action or be aware of special coverage terms.

### A. Airports

LMCIT can provide airport liability coverage to members of the property/casualty program. Coverage is available for airports that are operated by a city, by a joint powers entity that includes at least one city, or by a special purpose district. Coverage is available for most municipal airports. Larger airports that have scheduled service are not eligible.

#### 1. Coverage limits

The airport liability coverage is very broad and carries a per occurrence limit of \$2 million and an annual aggregate limit of \$3 million. It is subject to the same deductibles that apply to a member's municipal liability coverage. Higher limits can be provided through LMCIT's optional excess liability coverage, although it is not available as an option for airport risks only.

#### 2. Coverage terms

Cities or joint powers entities that choose LMCIT's airport coverage option are provided coverage under the city's existing Trust liability coverage document. It is provided under an endorsement that modifies the airport exclusion in the basic municipal liability coverage document.

Since the airport liability exposure is wrapped under the basic Trust liability coverage document, the coverage for liability related to airport operations is extremely broad. It is specifically designed to address several important airport exposures, including:

- Damage to an aircraft that's in the city's care, custody, and control; or what is commonly referred to as hangar keeper's liability.
- Products liability coverage for city fueling operations.
- Claims relating to things like noise and vibration.
- Exposures related to errors and omissions such as employment liability and liability for damages other than bodily injury, personal injury or property damage.

**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_ X \_\_\_\_\_  
Action \_\_\_\_\_ X \_\_\_\_\_  
Resolution \_\_\_\_\_  
Work Session \_\_\_\_\_

Meeting Date May 23, 2023

ITEM NUMBER Public Works Coordinator

STAFF INITIAL 

APPROVED BY ADMINISTRATOR

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

When the City Council approved the classification and compensation study earlier this year, it resulted in a ladder for public works promotions based upon qualifications. I am pleased to report that Gordy Beck recently completed the tree inspectors course and passed the competency test to be a licensed Tree Inspector. Licenses are issued by the Department of Natural Resources. This means that Gordy qualifies to be promoted to Public Works Coordinator and the associated pay. The public works pay scale is included in the packet. Gordy remains at Step 5 and his pay increases from \$36.68/hour to \$38.84/hour.

**OPTIONS:**

**STAFF RECOMMENDATION:**

Motion to promote Gordy Beck to the Public Works Coordinator position with the associated pay and benefits effective May 23, 2023.

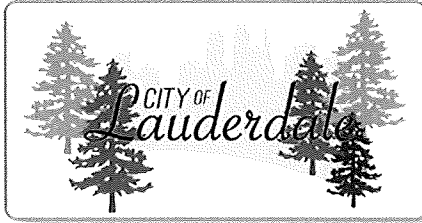


Proposed 2023 Wage Schedule 3% increase (FT based on 2,080 hours)

JOB TITLE	STEP 5	STEP 4	STEP 3	STEP 2	STEP 1
Maintenance Worker - New	\$ 71,481.65	\$ 67,928.96	\$ 64,320.58	\$ 60,805.99	\$ 57,159.23
(FT) (Future Public Works I)	\$ 5,956.80	\$ 5,660.75	\$ 5,360.05	\$ 5,067.17	\$ 4,763.27
	\$ 34.37	\$ 32.66	\$ 30.92	\$ 29.23	\$ 27.48
Maintenance Worker - Utility License	\$ 76,290.29	\$ 72,484.84	\$ 68,640.95	\$ 64,835.13	\$ 61,015.55
(FT) (Future Public Works II)	\$ 6,357.52	\$ 6,040.40	\$ 5,720.08	\$ 5,402.93	\$ 5,084.63
	\$ 36.68	\$ 34.85	\$ 33.00	\$ 31.17	\$ 29.33
Public Works Coordinator	\$ 80,778.08	\$ 76,748.77	\$ 72,678.76	\$ 68,649.06	\$ 64,604.80
(FT)	\$ 6,731.51	\$ 6,395.73	\$ 6,056.56	\$ 5,720.76	\$ 5,383.73
	\$ 38.84	\$ 36.90	\$ 34.94	\$ 33.00	\$ 31.06

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**Department:** Public Works  
**Reports To:** City Administrator



**FLSA Status:** Full-time regular position, Non-exempt  
**Benefits:** Qualifies for full-time benefits  
**Last Updated:** January 2023

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## **POSITION SUMMARY**

Performs responsible administrative and skilled maintenance work overseeing the operations of the Public Works Department including streets and alleys, sanitary sewer, surface water, building maintenance, grounds, and park maintenance operations; and performs other duties as required. Coordinates with the Administrator the operation of the Public Works Department including the budget, capital purchases, and capital improvements. Represents the City with State, County and other local government officials such as MPCA, OSHA, Health Department, MNDOT, DNR and County Highway Department. Shade tree certification required with yearly updates. Oversees the development of policies, procedures and practices to ensure safety and efficiency in the work environment. Responds to concerns, issues and complaints from the public, Council and regulatory agencies; resolves as appropriate.

### **Public Works**

- Coordinates the project management for the construction of the municipal public works projects including compliance with codes, regulations, and standards, adequacy of applications for permits and compliance with approved plans.
- Performs a variety of maintenance, repair, and construction tasks using safe and proper methods.
- Performs maintenance of public streets / rights-of-way, parks, buildings, and equipment.
- Inspects, operates, and maintains public works department equipment.
- Responds to and resolves emergency public works situations.
- Maintains public works records in the City's online GIS program.
- Identifies existing or potential problems; recommend solutions.
- Provides excellent customer service to the public.
- Attend City Council meetings and provide information to the Council as required.
- Performs the maintenance duties described below.

### **Sanitary and Storm Sewer Maintenance**

- Responsible for the maintenance of the sanitary sewer system.
- Responsible for the maintenance of the storm sewer system.
- Contracts for cleaning and maintenance of both systems as needed.
- Conducts and record inspection of the wastewater system.
- Conducts and record inspections for the City's MS4 permit.
- Locates and marks sewer facilities; respond to Gopher One tickets in online system.
- Attends training and continuing education courses.
- Handle sewer issues / blockages that arise 24-hours a day including weekends and holidays.

### **Public Building and Park Maintenance**

- Maintains City building interiors and exteriors including the cleaning of City Hall as needed between cleanings by vendor.
- Paints, cleans, and repairs buildings, park shelters, playground equipment, and fences.

- Maintains ball fields including dragging infields and removing weeds.
- Operates skid steer, tractors, mowers, dump trucks, brooms, weed whips, and snowplows.
- Performs landscaping such as planting plants, trimming trees, laying sod, fertilizing, and mowing turf areas.
- Maintains outdoor skating rinks including scraping, flooding, and snow removal. Train seasonal staff to do the same; oversee their work.
- Removes noxious weeds and rank growth from City property.
- Assists with City events as assigned.

### **Maintenance and Operation of Vehicle Equipment**

- Operates various trucks, light and heavy equipment including City pickup truck, loader, plow truck, tractor, bobcat and riding lawn mower.

### **Customer Service**

- Follows up on complaints and other matters of public interest related to the City infrastructure, services and maintenance.
- Deals courteously, effectively and tactfully with the public.

### **Street Maintenance**

- Operates 1-ton pickup with plow to remove snow from streets, alleys, and parking lots.
- Shovels public walks, puts down sand/salt as needed.
- Performs light tree maintenance of public trees. Oversee contracted tree services.
- Performs street repairs; work with contractors to accomplish these tasks.
- Performs routine inspection and preventive maintenance on equipment.
- Performs required labor for construction and maintenance projects.
- Handles snowplowing and other emergency that arises 24-hours a day including weekends and holidays.

While these are the primary focus of the position, we believe strongly in teamwork and employees will be called upon to perform a variety of duties as part of their role with the City.

## **Position Requirements**

### **Knowledge, Skills and Abilities**

- Knowledge of general equipment maintenance and repair techniques.
- Knowledge of the practices, procedures, equipment and materials used in Public Works maintenance and construction work, including snow plowing.
- Knowledge of safe operation, maintenance, servicing and repair of various vehicles and the ability to operate equipment in a skillful manner.
- Knowledge of the organization and functions of City government.
- Ability to make decisions regarding purchasing supplies and equipment.
- Mechanical ability to operate telephone, computer, calculator and copy machine.
- Ability to exercise resourcefulness in solving new problems related to Public Works and the City sewer.
- Ability to read infrastructure maps and engineering record drawings for locating and marking underground utility mains and laterals.
- Ability to understand and follow oral and written instructions.
- Ability to communicate effectively, both orally and in writing, including making formal presentations and writing reports when necessary.

- Ability to collaborate and implement effective customer service by maintaining a positive and effective relationship with other City departments, Council, commissions, contractors, engineers, residents and staff via in-person, phone or email on a regular basis.
- Ability to physically move about all areas of City properties to carry out duties.
- Ability to prepare and submit required reports to various agencies and other City staff.
- Ability to assist in all emergencies related to Public Works.
- Attends relevant workshops, meetings and training seminars.

## Requirements

- A. High school education or GED equivalent.
- B. Minimum of 3 years of experience in wastewater and public works or related field in the public sector.
- C. A valid Minnesota driver's license and satisfactory driving record.
- D. Class S-C Wastewater License
- E. **Licensed Public Tree Inspector License**
- F. Pass the pre-employment physical, including drug and alcohol testing.
- G. Read, speak, and understand written and oral instructions in English, including safety rules.
- H. Basic computer skills including a good knowledge of experience using:
  - E-mail and Microsoft Outlook
  - Web Browsing
  - Adobe PDF Viewer
  - Microsoft Office Products
- I. Available for regular on-call hours during the week and on weekends (shared with another public works staff). Ability to be within City limits no later than 45 minutes after being called under normal circumstances.

## Desired Qualifications

- A. At least four years' experience in light or heavy equipment operation, building maintenance, park maintenance, street maintenance, or utility maintenance, preferably for a City.
- B. Ability to read sewer system and road construction maps.
- C. Computer skills including use of Microsoft Office software.
- D. Knowledge of ArcGIS Online.
- E. Experience in pouring and finishing concrete and/or carpentry and woodworking.
- F. Skill in the operation of snow removal and other public works equipment and vehicles.

## Physical and Mental Requirements

The physical demands are those encountered while performing the listed essential duties and responsibilities.

- Employees in this position are required to perform various duties involving moderate physical strength.
- Climb up and down ladders.
- Bend and twist while performing maintenance duties.
- Lift 50 pounds and move up to 100 pounds.
- Operate weed whip and mowing equipment for up to 8 hours per day.
- Ability to plow snow for up to 8 hours.
- Ability to perform job responsibilities in normal to adverse climatic conditions.

*The physical demands described here are representative to those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*

### **Working Conditions**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Can include working in hot and cold weather extremes and work may involving heights.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee frequently works near moving mechanical parts and is frequently exposed to wet and/or humid conditions and vibration. The employee occasionally works in high places and may be exposed to fumes or airborne particles, toxic, or caustic chemicals, and risk of electrical shock. The noise level in the work environment is usually loud.

*The work environment characteristics described here are representative to those an employee encounters while performing essential functions of this job. Reasonable accommodations can be made to enable individuals with disabilities to perform the essential functions.*

### **Working Conditions**

Motorized vehicles and equipment, including pickup trucks, mowers, skid steers, chain saws, pumps, compressors, sanders, generators, common hand and power tools, shovels, mobile radios, and cellular phones.

## **Competencies Common to All City Positions**

- Develop and maintain a thorough working knowledge of, and comply with, all departmental and applicable City policies and procedures
- Demonstrate, by personal example, the spirit of service, excellence and integrity expected from all staff.
- Develop respectful and cooperative working relationships with co-workers, including willingness to assist newer staff so job responsibilities can be performed with confidence as quickly as possible.
- Confer regularly with, and keep immediate supervisor informed of, all important matters which pertain to the applicable job functions and responsibilities.
- Represent the City of Lauderdale in a professional manner to the public, outside contacts and constituencies.
- Possess an innovative spirit which can identify, develop and support improved methods, procedures or technologies.